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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,977	12/09/2003	Yuuichi Tsuchiya	P23836	2220
7055 7590 02/04/2009 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER RENDON, CHRISTIAN E				
ART UNIT		PAPER NUMBER		
3714				
NOTIFICATION DATE		DELIVERY MODE		
02/04/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/729,977

**Applicant(s)**

TSUCHIYA, YUUICHI

**Examiner**

CHRISTIAN E. RENDÓN

**Art Unit**

3714

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**  
***Response to Amendment***

This office action is in response to the amendment filed 11/14/08 in which applicant has amended claims 1 and 22-25; responded to the claim rejections. Furthermore the Examiner acknowledges the applicant's claim to foreign priority as 12/09/03. Claims 1-20 and 22-25 are still pending.

***Claim Rejections - 35 USC § 103***

**Claims 1, 6-12 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aonuma (US 6821204 B2) in view of "E3 2002: Zelda GameCube-to-GBA Link Revealed" and The Legend of Zelda: Ocarina of Time IGN Review.**

1. The Aonuma reference was provided to give more details about the new functionality announced in the E3 article. The new functionality was created to provide a second player the opportunity to participate in a quality adventure game that "Legend of Zelda" series is known for by the gaming industry (E3: par. 8).
2. Aonuma discloses the use of a Gameboy Advance (GBA) **4** as a secondary controller to a Gamecube **3** running a game on the television screen **2** and on the LCD display **41** of the GBA (Aonuma: col. 18, lines 13-15). This setup system configuration **1** allows a plurality of players to play the same game closely in cooperation with each other (Aonuma: col. 2, lines 2-4). The prior art describes defining and arranging polygons that represent a ground object **L**, a player object **P**, several enemy objects **E** and structure objects **S** as a means of defining a 3D game space or environment (Aonuma: col. 11, lines 24-35). The player object **P** is operable by the first player (Aonuma: col. 11, lines 39-40) using the GameCube controller **31** (Aonuma: col. 3, lines 61-63). Through verbal communication a second player is able to assist the first player as a cursor object **C1** in the 3D game space by using the GBA as a controller (Aonuma: col. 2, lines 12-17). The game displays information on the LCD display **41** of the GBA about the 3D game area as a 2D map (Aonuma: col. 3, lines 43-49), hints about a specific location designated by the cursor **C1** (Aonuma:

col. 2, lines 58-62), and provides the use of items (Aonuma: col. 13, lines 19-22) to help the player progress further in the game.

3. Regarding claims 1 and 22-25, the art discloses a **video game apparatus** that allows **multiple players** through **multiple input devices move their player characters (P and C1)** in a **virtual space**. The game uses 3D object **32b** and stage data **32c** to create a game space that is only a **small part of the virtual space** or world contained in the game (Aonuma: col. 8, lines 29-39) on the LCD of the GBA and the television screen which is **used by all the players characters** (Aonuma: col. 3, lines 43-49), therefore meeting the limitation of a 'display controller' as described by the applicant. Aonuma discloses a first player controlling the player object **P** (Aonuma: col. 7, lines 65-66), a second player controlling the cursor object **C1** (Aonuma: col. 8, lines 3-7) and the game controlling the enemy objects **E** (Aonuma: col. 11, lines 40-41); therefore all three (players and game) are considered object movers. Furthermore enemy objects **E** that carry weapons such as swords and spears teach the limitation of **an object mover that moves an object distinct from the player character**. The 2D map offered on the display of the GBA provides a means to determine the **positional relationship between each player and objects** like enemies and structures (Aonuma: fig. 7). The map, hint system and item designated for use by the second player all provide a **degree of advantage and ease for the player based on the positional relationship of the players** displayed on the map. Aonuma states the displayed hints (Aonuma: col. 12, lines 36-38) and icons (Aonuma: col. 13, lines 19-24) in the item window are based on a specific phenomenon at the location of the cursor **C1** in the game space. However, the first player defines the game space by exploring (Aonuma: col. 7, lines 65-66) different 'rooms' (Aonuma: col. 8, lines 39-41) in the gaming world. Therefore, hints and items are **based on each player's positional relationship to each other** and the game world. Finally, Aonuma discloses moving the virtual camera to **center the virtual space on an object** or the 3D cursor **C1** through a 'call' function displayed on the GBA LCD screen

(Aonuma: col. 13, lines 55-59). However the prior art remains is silent about creating a zone of a predetermined radius with an object at the center.

4. On the other hand, the first iteration of The Legend of Zelda: Ocarina of Time [OoT] in a 3D virtual space introduced Z-Targeting. The fairy character, Navi is used by the game as an indicator that hovers above any nearby objects of interest. When a player wants to focus their attention on the object under Navi, he/she must hold down the Z button to activate Z-Targeting. With respect to the locked-on object a player is allowed to back-flip, side-step, jump attack and move around the locked-on object. A lock is broken when a player lets go of the Z-button, turns away from the object or puts enough distance between the character and the enemy (IGN: Gameplay: par. 6). Therefore a target lock creates **a predetermined radius around the object** of focus allowing the player to always face an object while exercising a freedom of movement within the radius. Thus Z-targeting causes the **display controller to continuously display the object or enemy at the center of the zone** that is **displayed at the center of the display screen** in an attempt to simplify fighting in 3D virtual space. It would have been obvious for an ordinary artisan to include Z-targeting taught by a previous Zelda game into Aonuma to allow a player more realistic freedom of movement in 3D virtual space during a fight in the current 3D Zelda game.

5. Regarding claim 2, a feature introduced by 'Ocarina of Time' (OoT) was the 'lock-on' feature that created a 'fighting space' that allowed the player to strafe circles around an enemy always at the center of the player's point of view. The 'lock' is released when a player moves or backs too far away from the enemy (IGN: par. 8, lines 2-6). Therefore OoT teaches **judging if a player character is within a predetermined area or a 'fighting space' that has an enemy object at its center**.

6. Regarding claims 3-5, the context sensitive 'A' button was another innovative feature introduced in OoT. When the player character is within range or an area of predetermined size the 'A' button will reflex a new possible choice that is not available outside of the predetermined area (IGN:

par. 11, lines 1-5). Therefore, **the game displays an effect or ability for the player to use when he/she is in a predetermined area defined by the object.** Once outside of that area the player is allowed access only to the default ability.

7. Regarding claim 6, the function of the 'small bomb' item is to provide **a degree of advantage and ease to the player is based on the distance.** The location of the second player is on top of the enemy object (Aonuma: col. 13, lines 34-36) and when a bomb is released an explosion occurs that will damage the enemy object (Aonuma: col. 13, lines 40-42) and offer the first player a chance to be more predominant (Aonuma: col. 13, lines 44-45). However, the first player must be within an attack range to take of an enemy object's stunned or damage status before it returns to its natural state.

8. Regarding claim 7, the art discloses the ability for the second player to create ground objects at the location of the cursor **C1** (Aonuma: col. 13, lines 62-64). These ground objects will allow the first player to traverse a valley in game space safely (Aonuma: col. 14, lines 1-3). Hence **both players at one time are located on the second object** (ground object) and the first player is given **a degree of advantage & ease** (safe passage) by the second player when creating and **existing on the second object.**

9. Regarding claims 8 and 11-13, the art discloses displaying the position of each player on a 2D map represented on the LCD of the GBA controller (Aonuma: col. 7, lines 42-47). Furthermore, the reference discloses the ability for objects to hide behind structures objects prevents the display of the object on the 3D game screen (Aonuma: col. 11, lines 58-60). Therefore it is possible for the display controller or the game to display the second player on the GBA and physically have a location in the 3D game space even though the second player is not visible on the television screen. Furthermore, by controlling the virtual camera the first player has a chance to change the viewpoint (Aonuma: col. 7, lines 65-67) to a position where the structure object no longer provides an obstructed view. Thus

teaching each **input devices moving their respective player character in a non-displayed portion with respect to the portion displayed on the device.**

10. Regarding claims 9-10 and 14-16, the disclosed GBA controller is inherently a **portable display device**. The display screen of the GBA allows the second player to view a **generated 2D image** representative of a **visual axis of the 3D space**. The player has the ability to zoom in/out with **respect to the position of any of the objects** on the **generated 2D image** (Aonuma: fig. 8-9). The first player is able to change the **viewpoint** by moving the 'c stick' **31c** to control the virtual camera (Aonuma: col. 7, lines 65-67) thus zooming in/out **with respect to an object** (the player). A second player is able to change to the same **viewpoint** through the 'call' function causing the virtual camera to center the virtual space around the 3D cursor **C1** or object (Aonuma: col. 13, lines 55-59). Therefore the cooperative collaboration between the first and second player alters the **direction of a visual axis of a virtual camera with reference to the position of the object and transforming the view point of a virtual camera in 3D virtual space to generate a 2D image.**

**Claims 17-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aonuma (US 6821204 B2) in view of "E3 2002: Zelda GameCube-to-GBA Link Revealed" and Legend of Zelda: Ocarina of Time (FAQ by Banjo2553).**

11. The above description of the art combination between Aonuma and Ocarina of Time and the limitations of that combination are considered within this art rejection as well. The second Ocarina of Time reference is applied to further describe the Nintendo game in detail.

12. Regarding claims 17-18 and 20, the overall theme of OoT is the effects that occur with a "passage of time". The game allows players to change the time of day in an attempt to affect the gameplay (IGN: par. 6, lines 12-13). By playing the 'Sun's Song', day time becomes night time and vice versa (FAQ: "Gorons and Death Mountain"). The ability to alternate between the time of day provides certain advantages based on the area; for example Gold Skulltulas only appear in dark

places therefore a player can find them only at night outside of the dungeons (FAQ: "Gorons and Death Mountain"). By returning the 'Master Sword' back to its pedestal, the player is able to travel between the past and future of the game world (FAQ: "Bottom of the Well and Collection Quest"). Time travel allows a player to initiate a "Cause and Effect" sequence, in other words alter the 'future' game world by changing something in the 'past' game world. For example, planting a 'Magic Bean' in the 'past' allows Adult Link to find a grown plant in the 'future' that functions as a moving platform that allows the player access to new areas (FAQ: "Bottom of the Well and Collection Quest"). Therefore the time travel mechanics of OoT teaches the **varying of an area as the game progress ultimately affecting a degree of advantage and ease**. Furthermore, the game **differentiates a rate at which a degree of advantage and ease is changed according to the game progress** by offering different opportunities to use one of the two forms of time travel or rates of travel to obtain a heart piece, rupees, Gold Skulltulas or progression through the story, which all offer a degree of advantage and ease. Finally, when the game changes the time of day to night the player will experience different and stronger enemies and a **decreased in visibility** caused by the darkness.

13. Regarding claim 19, during the course of the game items are acquired that help the player progress further into the game. **The status of the player character is changed** when one of the two extra tunic items is equipped by Adult Link. The heat-resistant Goron Tunic allows the player to explore hot environments like the Fire Temple (FAQ: "Sworn Brothers Reunite!") without dying. The Zora Tunic allows the player to breathe underwater therefore providing ample time to explore the depth of a body of water (FAQ: "Ice Cavern and Collection Quest"). Therefore, the game provides protection against heat and water or a **changing a status of a player character as the game play progresses**.



***Response to Arguments***

Applicant's arguments with respect to claims 1-20 and 22-25 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CHRISTIAN E. RENDÓN** whose telephone number is (571)272-3117. The examiner can normally be reached on 9 - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dimtry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/  
Supervisory Patent Examiner, Art Unit 3714

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CER